

REMARKS

Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the amendments and discussion that follows. Claims 1-14 are pending in the prior application.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 2 and 13 have been rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,730,025 to Platt in view of U.S. Pat. No. 5,891,045 to Albrecht et al. In view of the content of the claims as presently amended, applicant respectfully traverses these rejections.

Independent claim 1 has been amended to more clearly claim the invention in the context described in the specification. Support for "a hand-held, battery powered processing element . . . controlled by a central processing unit" may be found within the specification at paragraphs [0037-9] and in FIG.3.

Support for the "digital signal processor specifically adapted to filter the twelve lead electrocardiogram signal under control of the central processing unit" may be found within the specification at paragraphs [0018] and [0020].

As specifically noted, "The division of processing responsibilities between the acquisition unit 12 and display unit 14 functions to improve the overall performance of the system 10 by allowing for specialized processors to be dedicated to specific tasks. For example, the DSP 74 may be chosen to be specifically adept at filtering, while the CPU 30 of the processor 14 may be chosen for display capabilities" (specification, par.

[0020])). In this regard, the chosen digital signal processor 74 is shown to include a notch filter processor 102, a baseline sway filter 98 and a high frequency filter processor 100. Further, "The display unit 14 may be based upon any appropriately featured processing platform (e.g., a personal digital assistant (PDA) . . . To facilitate ease of use of the display unit 14, the CPU 30 may operate under a windows-based environment (e.g., WinCE)" (specification, par. [0030])).

In addition, a person of skill in the art would recognize that an "acquisition unit adapted to be disposed on a chest of a patient" would require a small, relatively lightweight structure that allows for the use of "relatively short leadwires" with reduced electromagnetic interference (specification, par. [0011])). This feature is not taught by Platt or Albrecht et al.

The presence of the "digital signal processor specifically adapted to filter the twelve lead electrocardiogram signal" within the acquisition unit provides additional synergistic qualities. In addition to the short leadwires, filtering close to the signal source provides the additional benefit of reducing noise via feedback between the DSP 74 and instrumentation amplifier 84 (see FIG 2).

In contrast, Platt shows a signal acquisition module 1 that merely performs A/D conversion and amplification. Albrecht et al. fails to provide any teaching regarding a signal acquisition modules with filtering. Since neither reference provides a signal acquisition module with filtering, the combination fails to teach or suggest each and every claim element. Since the combination fails to teach each and every claim element, the rejections are

improper and should be withdrawn.

Claims 3 and 4 have been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of Albrecht et al. and U.S. Pat. No. 5,876,351 to Rhode. However, Rhode suffers from the same deficiency as Platt and Albrecht et al. More specifically, Rhode is limited to a Nintendo Game Boy and Game Boy cartridge. Rhode fails to provide any teaching regarding a data acquisition unit with filtering.

Since the combination of Platt, Albrecht et al. and Rhode fail to provide any teaching regarding a data acquisition unit with filtering, the combination fails to teach or suggest each and every claim limitation. Since the combination fails to teach or suggest each and every claim limitation, the rejections are improper and should be withdrawn.

Claim 5 has been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of Albrecht et al. and U.S. Pat. No. 6,292,692 to Skelton et al. However, Skelton et al. is directed to a medical treatment device with functions under pass code control. Skelton et al. fails to provide any teaching or suggestion of a data acquisition unit and certainly no teaching or suggestion of a data acquisition unit with filtering.

As such, the combination of Platt, Albrecht et al. and Skelton et al. fail to teach each and every claim limitation. Since the combinations fail to teach each and every claim limitation, the rejections are believed to be improper and should be withdrawn.

Claims 6-12 and 14 have been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of Albrecht et al. and U.S. Pat. No. 6,141,584 to Rockwell et al. However, Rockwell et al. is directed to a defibrillator.

Rockwell et al. fails to provide any teaching or suggestion of a data acquisition unit or a data acquisition unit with filtering.

In addition, claim 12 is further limited to a baseline sway filter. A baseline sway filter has a specific meaning within the medical arts that is not taught or suggested by the mere mention of the signal conditioning circuits of Rockwell.

As such, the combination of Platt, Albrecht et al. and Rockwell et al. fails to teach each and every claim limitation. Since the combination fails to teach each and every claim limitation, the rejections are believed to be improper and should be withdrawn.

Claims 1, 2 and 3 have been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of Albrecht et al. and U.S. Pat. No. 6,773,396 to Flach et al. In view of the content of the claims as presently amended, applicant respectfully traverses these rejections.

The deficiencies of Platt and Albrecht et al. have been noted above. Flach et al. suffers from the same deficiencies as the combination of Platt and Carter.

In this regard, Flach et al. is limited to a telemetry system for ECG signals. Nowhere within Flach et al. is there any mention of a data acquisition module or a data acquisition module with filtering.

Since Platt, Carter or Flach et al. and the combination of Platt, Carter and Flach et al.) fail to teach of a data acquisition module with filtering, the combination fails to teach each and every claim limitation. Since the combination fails to teach each and every claim limitation, the rejections are improper and should be withdrawn.

Claims 3 and 4 have been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of Flach et al., Albrecht et al. and U.S. Pat. No. 5,876,351 to Rhode. However, Rhode is limited to a Nintendo Game Boy and Game Boy cartridge. Nowhere within the combination of Platt, Flach et al., Albrecht et al. and Rhode is there any teaching of a data acquisition module with filtering.

Since the combination of Platt, Flach et al., Albrecht et al. and Rhode fail to provide any teaching regarding a data acquisition module with filtering, the combination fails to teach or suggest each and every claim limitation. Since the combination fails to teach or suggest each and every claim limitation, the rejections are improper and should be withdrawn.

Claim 5 has been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of Flach et al., Albrecht et al. and U.S. Pat. No. 6,292,692 to Skelton et al. However, Skelton et al. is directed to a medical treatment device with functions, operated under pass code control. Skelton et al. fail to provide any mention of a data acquisition module or a data acquisition module with filtering.

As such, the combination of Platt, Flach et al., Albrecht et al. and Skelton et al. fails to teach each and every claim limitation. Since the combination fails to teach each and every claim limitation, the rejections are believed to be improper and should be withdrawn.

Claims 6-12 and 14 have been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of Flach et al., Albrecht et al. and U.S. Pat. No. 6,141,584 to Rockwell et al. However, Rockwell et al. is directed to a defibrillator. Rockwell et al. clearly fails to provide

any teaching or suggestion of the use of a data acquisition unit with filtering.

In addition, claim 12 is further limited to a baseline sway filter. A baseline sway filter has a specific meaning within the medical arts that is not taught or suggested by the mere mention of the signal conditioning circuits of Rockwell.

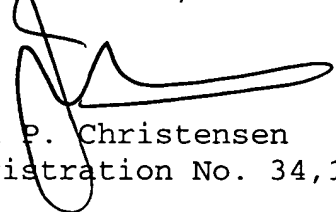
As such, the combination of Platt, Flach et al., Albrecht et al. and Rockell et al. fail to teach each and every claim limitation. Since the combinations fail to teach each and every claim limitation, the rejections are believed to be improper and should be withdrawn.

Closing Remarks

Allowance of claims 1-14, as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,
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